

IN THE UNITED STATES COURT OF APPEALS

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No. 05-16643-H

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT

FEB 03 2006

THOMAS K. KAHN
CLERK

DUNCAN J. MCNEIL, III,

Plaintiff-Appellant,

versus

UNITED STATES OF AMERICA,
CLERK, U.S. DISTRICT COURT, et al.,

Defendants-Appellees.

Appeal from the United States District Court for the
Middle District of Alabama

ORDER:

Appellant has filed motions for (1) rehearing of 3-strikes dismissal for failure to pay appeal fees, which we construe as a motion to reinstate the appeal and a motion for leave to proceed in forma pauperis based on imminent danger, (2) waiver/suspension of the rules relating to service of process and number of copies, (3) an order compelling the district court to send him a certified copy of the record on appeal, (4) appointment of counsel, (5) telephonic conference to discuss his claims, and (6) extension of time, access to courts, forms rules and procedures to be furnished, waiver of rules for his motions. Upon reconsideration of the Clerk's entry of dismissal on December 27, 2005,

for want of prosecution pursuant to 11th Cir. R. 42-1(b), appellant's motion to reinstate the appeal is GRANTED.

Appellant's motion for leave to proceed on appeal in forma pauperis is DENIED. Appellant, while a prisoner, has filed three prior civil actions or appeals that have been dismissed on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted, and appellant has not alleged that he is currently under imminent danger of serious physical injury. See 28 U.S.C. § 1915(g).

Appellant's remaining motions are DENIED.

/s/ Rosemary Barkett
UNITED STATES CIRCUIT JUDGE